

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

United States of America

C/A No. CR 6:99-530-5

v.

Ernest Merritt,

ORDER  
(Written Opinion)

Defendant.

This matter is before this Court for a ruling on Defendant's "Motion for Credit for Jail Time Served."

The Petitioner is proceeding *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *Haines v. Kerner*, 404 U.S. 519, 520 (1972).

On June 19, 2000, this Court sentenced Defendant to be imprisoned for a total term of 140 months to run concurrent with the Georgia state sentence that Defendant was already serving. Defendant received credit toward his federal sentence for the time he was in state prison following the June 19, 2000 date of judgment. However, in his motion, Defendant argues that this Court's sentence also allows him to receive credit

for time served in state custody prior to this Court's date of judgment, from November 1997 to June 2000. Defendant misconstrues the Court's sentence. When the Court wishes to give credit for time served prior to the Court's date of judgment the Court will make that intention clearly and expressly known, and such grant was not given in this case. Rather, the Court's judgment in this case sentenced Defendant to be imprisoned for 140 months, running concurrently with the Georgia sentence, beginning on the date of judgment - June 19, 2000. Defendant's motion is without merit.

IT IS THEREFORE ORDERED that Defendant's Motion for Credit for Jail Time Served is DENIED.

IT IS SO ORDERED.



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G. ROSS ANDERSON, JR.  
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina

December 28, 2005.

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this Order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified within Rule 4, will waive the right to appeal.